

Remarks:

Notice of non-compliance

The amendment of 29 September 2006 was considered non-compliant on the basis of improper use of bracketing and striking out in at least claim 2, lines 6 and 8, and claim 3, line 1 as required by 37 CFR1.121(a)(2)(ii).


Applicant has reviewed the claims and the striking out and underlining were correct under 37 CFR1.121(a)(2)(ii). Bracketing was not used. Instead applicant used striking out as allowed by 37 CFR1.121(a)(2)(ii).

Applicant nevertheless phoned twice and left messages with the examiner to resolve the issue but failed to receive a response. In the absence of a reply from the examiner, applicant is refiling the amended claims in case, for some reason the amendment received by the examiner differed from the response on file with the applicant.

As mentioned in the previous response, in view of the differences of the cited art applicant requests that the case be allowed. This case has gone through numerous refilings and an appeal that was withdrawn. **To avoid further delays in having the case allowed applicant requests an interview with the examiner and his supervisor to discuss the present invention and any concerns the examiner may have. Please advise applicant by phone at 408-667 1289 or 415-992 8818 or preferably by email at jvollrath2000@yahoo.com to arrange an interview date and time.**

Respectfully Submitted,

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